

CITY OF CLEWISTON
Regular Commission Meeting
June 21, 2021

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, June 21, 2021. The meeting was called to order at 5:00 p.m. by Mayor Petersen. Mayor Petersen led the audience in reciting the Lord's Prayer and the Pledge of Allegiance.

Commissioners Present: Mayor Kristine Petersen, Vice Mayor Greg Thompson, Commissioner Mali Gardner, Commissioner Hillary Hyslope and Commissioner James Pittman.

Personnel Present: City Manager Randy Martin, City Clerk Kathy Combass, Interim Police Chief Tom Lewis, Police Officer Tito Nieves, Finance Director Shari Howell, Community Development Director Travis Reese, Utilities Director Danny Williams, Code Enforcement Officer Debbie Clay, City Consulting Engineer Andy Tilton and City Attorney Gary Brandenburg.

Visitors Present: Matt Beatty, John and Buffie McLeod, Steve Whidden, Daniel Anderson, Pepe Lopez, Lisa Kelley, Sara Sparks, Lindsay Hall, Laura Smith, Sean and Tsvetelina Thompson, Terry Gardner and Janet Taylor.

Additions/Deletions/Changes and Approval of the Agenda – Manager Martin stated that some corrections were made to some agenda item documents, and he would make the references when those items are discussed.

Public Comments – Ms. Lina Thompson, of 107 Ridgewood Avenue, came forward and expressed her concern with the Commission's decision at their last meeting not to investigate the police department about the possible negligent handling of a child pornography case. She stated that she is a survivor of human trafficking and feels that any child used in pornography is a victim of human trafficking and any viewer of child pornography is participating in human trafficking. She asked the Commission to do the right thing and vote for the safety of our children and the future of our city. She also stated that if the Commission votes for an investigation, she will provide the resources needed to prevent pornography in our community as she is not only a survivor, she runs a non-profit organization which provides information and help to victims of human trafficking. She further stated that she loves this town and would like to offer her help to make it the safest town in the country.

Mrs. Laura Smith, 206 Ridgewood Avenue, came forward and requested that the City's fireworks ordinance be enforced as the July 4th holiday is coming up.

1. Consent Agenda

- A. *Special City Commission Meeting Minutes – March 29, 2021*
- B. *City Commission Workshop Minutes – May 3, 2021*
- C. *City Commission Meeting Minutes – May 17, 2021*
- D. *Special City Commission Meeting Minutes – June 7, 2021*
- E. *Resolution No. 2021-58 – Designation of Voting Delegate for the 95th Annual Florida League of Cities Conference*
- F. *Resolution No. 2021-59 – Johnson Engineering, Inc. Change Order 01 to Work Order No. 2020-05*
- G. *For Informational Purposes – 2021-22 Tentative Budget Calendar*

Commissioner Gardner requested Consent Agenda Item B be pulled and placed on the July 19, 2021 Commission Meeting Consent Agenda as she would like to have more time to review some information. Commissioner Pittman requested that Consent Agenda Item G be pulled from the consent agenda to discuss the dates.

Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, to approve the Consent Agenda with the absence of Consent Agenda Items B and G. Vote 5 yeas, 0 nays

2. **Presentation of Financial Audit for Fiscal Year 2020** – Mauldin & Jenkins – Daniel Anderson, Audit Director for Mauldin & Jenkins, presented the audit reports for Fiscal Year 2020 highlighting the Auditor’s Discussion and Analysis. He reviewed the management letter comment in regards to interfund activity and recommended the City consider implementing a pooled cash system. He also recommended that Finance Director Shari Howell continue the process of clearing some long outstanding checks and then going forward implement a process to make sure those long outstanding checks are kept off the bank reconciliations and are cleared in a timely manner. He then stated the final recommendation is in regards to cyber security. He encouraged the City to have policies and procedures in place to prevent cyber attacks from happening to the City, but should one happen, make sure there are policies and procedures to detect it and remedy it in a timely manner. In response to questions from Commissioner Gardner and Vice Mayor Thompson, Mr. Anderson reviewed how other post employment benefits (OPEB) are projected and how the unrestricted net position for governmental activities is determined. He also reviewed the prior period adjustment and explained that the advances from other funds liability in the amount of \$362,428 in the General Fund is the current amount outstanding of the long term interfund loan at the end of 2020. Vice Mayor Thompson asked what the length of that loan was. Director Howell’s response was that it is actually two loans; she thinks it is the last year for the fire truck loan and would need to analyze the All Juice loan from the water sewer fund to see how many years are left.

PUBLIC HEARINGS

3. **Resolution No. 2021-60 – Public Hearing** - Resolution No. 2021-60 approves the special exception request from United States Sugar Corporation to allow the parcel located at 1300 S. Francisco Street to be leased for agricultural use as it was in the past. The property is currently zoned R-3 Residential.

Mayor Petersen summarized and read Resolution No. 2021-60 by title. No citizen comments were heard. Manager Martin stated that the language regarding the landscaping was changed in Resolution No. 2021-60 from what was originally sent out. He noted the same language regarding the landscaping was also changed in Resolution No. 2021-61 for the next agenda item as well.

Vice Mayor Thompson made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2021-60. Vote 5 yeas, 0 nays

4. **Resolution No. 2021-61 – Public Hearing** - Resolution No. 2021-61 approves the special exception request from United States Sugar Corporation to lease Parcel Number 3-34-43-16-A00-0026.0000, located between Arroyo and Sonora Avenue, west of W.C. Owen Avenue, and west of the City Maintenance Facility for agricultural use as it was in the past.

Mayor Petersen summarized and read Resolution No. 2021-61 by title. No citizen comments were heard. Manager Martin clarified that this request is not for a lease to 4-H.

Vice Mayor Thompson made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2021-61. Vote 5 yeas, 0 nays

ORDINANCE

5. **Ordinance No. 2021-01 – First Reading** – Ordinance No. 2021-01 adopts an amendment to the City of Clewiston Comprehensive Plan to change the text of the City’s current 10-Year Water Supply Facilities Work Plan.

Mayor Petersen summarized and read Ordinance No. 2021-01 by title. No citizen comments were heard.

Commissioner Hyslope made a motion, seconded by Commissioner Pittman, to approve Ordinance No. 2021-01 on first reading and set the public hearing for July 19, 2021. Vote 5 yeas, 0 nays

RESOLUTIONS

6. **Resolution No. 2021-62** – Resolution No. 2021-62 approves the final pay request from Power Pole Maintenance Company, LLC for the distribution pole inspection services, contingent upon receipt of the contractor's final release of lien.

Mayor Petersen summarized and read Resolution No. 2021-62 by title. No citizen comments were heard.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2021-62. Vote 5 yeas, 0 nays

Before the vote, Vice Mayor Thompson asked if the cost for this project was covered by a grant. Manager Martin stated that the expense will be paid from the City operating budget funds not a grant.

7. **Resolution No. 2021-63** – Resolution No. 2021-63 approves the award of the Construction Services in Connection with the East Ventura Roadway Rehabilitation from South Deane Duff Avenue to South Francisco Street contract to Hinterland Group Inc. and authorizes the Mayor to execute the Contract on behalf of the City.

Mayor Petersen summarized and read Resolution No. 2021-63 by title. Attorney Brandenburg stated for the record that he has represented Hinterland Group in the past and does not have a conflict with regard to reviewing this item. Manager Martin noted that the contractor's name has been corrected, the liquidated damages amount was inserted in the contract and the contract has now been executed by the contractor. He stated that Engineer Tilton is available to answer any questions and noted that Johnson Engineering recommended both alternates and staff agrees with their recommendation.

Vice Mayor Thompson made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2021-63. Vote 5 yeas, 0 nays

Before the vote, Vice Mayor Thompson asked if this project was grant funded. Manager Martin replied that approximately half was funded through a SCOP grant received from Florida DOT and the balance is coming from the City's funds that are received for paving and any other available amounts necessary to balance it out. Director Howell noted that this project is basically the City's annual paving project and Manager Martin explained that based on the engineer's estimates for this project, the City will not be able to do any other paving this year. He further stated that staff will be coming back with any necessary budget amendments and for the selection of an engineering firm to complete the inspection services. In response to Vice Mayor Thompson's question if the driveway aprons would be included in this project, Manager Martin stated that the project includes only what is required and Engineer Tilton explained that there will be a 5 ft. apron at every driveway that does not presently include one. Manager Martin added that staff looked at including additional portions of the driveway apron areas but did not recommend it because of the cost and staff elected not to recommend doing an assessment on this project. Commissioner Gardner asked when the work will begin. Engineer Tilton stated that we have to get a CEI firm in place and then submit the documents to FDOT for a final review. He thinks it could start within the next 60 days once the CEI engineering firm is on board. He added that the actual work time estimated for the project is approximately 4 months. He explained that the drainage portion of it is a little bit weather dependent which could affect the schedule, but the actual pavement work is estimated to only take approximately 2-3 weeks. He added that one of the alternatives is to fix some base material in two places which will help the asphalt to last a lot longer than simply putting asphalt over a poor base.

8. **Resolution No. 2021-64** – Resolution No. 2021-64 approves the Continuing Agreement for Professional Services Work Order No. 2020-07 between the City of Clewiston and Johnson Engineering, Inc. for East Ventura Avenue drainage improvements.

Mayor Petersen summarized and read Resolution No. 2021-64 by title. No citizen comments were heard.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2021-64. Vote 5 yeas, 0 nays

Before the vote, Manager Martin stated that this project is grant funded and is not directly related to the East Ventura asphalt project but it is relative in that it is going to address some drainage issues in the same corridor. City Consulting Engineer Andy Tilton explained that this grant is for a water quality improvement project. He stated that two locations owned by the City, the east side of Deane Duff south of Ventura and part of a road right of way on Alverde south of Trinidad Park, were chosen to provide some water quality improvement for this area which will work in the City's benefit going forward with a couple of the state water quality programs that the City has to participate in. He added that the City is also getting some new culverting as part of this from E. Ventura south to these two facilities. Manager Martin stated the next steps will be for the engineer to complete the design and any required permitting and then the City will bid it for the actual construction. To clarify the Manager's comments, Engineer Tilton stated that as for permitting, the planned scope will allow the City to skip directly from the design phase to the bidding process on this project.

9. **Resolution No. 2021-65** – Resolution No. 2021-65 approves the contract for debris monitoring services between the City of Clewiston and Thompson Consulting Services, LLC.

Mayor Petersen summarized and read Resolution No. 2021-65 by title. No citizen comments were heard.

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2021-65. Vote 5 yeas, 0 nays

Before the vote, Vice Mayor Thompson noted there is no relation between him and Thompson Consulting Services, LLC.

10. **Resolution No. 2021-66** – Resolution No. 2021-66 approves the Contract for Sale and Purchase between the City of Clewiston and Hato Potrero Farm, Inc. of Lots #7 and #9, Clewiston Commerce Park.

Mayor Petersen summarized and read Resolution No. 2021-66 by title. No citizen comments were heard.

Vice Mayor Thompson made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2021-66. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

Consent Agenda Item G, 2021-22 Tentative Budget Calendar, was discussed next. Commissioner Pittman expressed that he does not feel there is enough time to review the budget in order to set the proposed millage rate at the July 19, 2021 Commission Meeting and suggested that a special meeting be scheduled for August 2 to do that since the City is not required to have it to the Property Appraiser until August 4. He also stated that he has a conflict with the July 26 workshop. Commissioner Hyslope added that she has a conflict with the August 9 workshop. Manager Martin stated the tentative schedule could be modified to avoid as many conflicts as possible and to ensure adequate time for the Commission review. Staff wanted to put out a tentative schedule to identify conflicts and further updates will follow to the Commission.

11. Old Business

Vice Mayor Thompson asked for an update on the splash pad. Manager Martin stated that after polling the Commission, his recommendation is that the City reopen the facility as soon as possible and operate it on a limited schedule through the summer months. He noted that it may entail a budget adjustment. Commissioner Gardner expressed that she feels it needs to be open but was concerned that because the pool is closed and there is no one at the Youth Center, there is no one to watch out for what is going on at the splash pad. She hopes that Manager Martin will work out something with staff to check on it to make sure everything is okay. Manager Martin stated that would be taken into consideration in the schedule. Mayor Petersen mentioned that people are not able to jam the timers to keep them on at the City of

Belle Glade's water feature. Manager Martin stated that he didn't think the City's timers could be jammed but would double check. There was a brief discussion regarding possible limitations in the FRDAP grant regarding the hours of usage. Manager Martin stated that he does not feel there is a requirement for the number of days or hours because last year's schedule was 3-4 days a week. He anticipates doing a similar schedule this year and do as much monitoring as practical to ensure that it is properly utilized. He added that if we get a bigger demand, the schedule can be adjusted accordingly. The consensus of the Commission was to proceed with Manager Martin's recommendation.

12. **Departmental Monthly Activity Reports** – Commissioner Gardner stated that she would like to see more detailed information on some of the departmental reports including the monthly inspections and permits. She noted that we are using the names of previous property owners as the person who pulled the permits and knows that some of them are deceased so they could not have pulled the permits. She requested that we make sure that we are correctly issuing those permits and provide more detailed information on the protective inspections report. Commissioner Pittman stated that he was glad to see that the Animal Control software is up and running and asked if their report could be modified to show citations and any donations. Vice Mayor Thompson asked if the new POS system was up and running with the departments. Director Howell stated that it had not been implemented yet because they are in the process of analyzing each department. After further discussion, she stated that she knows the Commission would like to get it implemented as soon as possible but she wanted to make sure that the credit card fees are done accurately.

Commissioner Pittman asked where payments for animal control were collected since animal control stopped collecting money. Manager Martin stated the payments are collected at City Hall for now. Commissioner Pittman's expressed his concern is that someone may want to make a payment to get their dog out of jail and would not be able to do that on the weekend. Manager Martin stated that the schedule is a work in progress.

Comments from City Manager - none

Comments from City Attorney – Attorney Brandenburg mentioned that he distributed a chart that Dylan Brandenburg prepared to help the Commission keep track of the pending contracts on Commerce Park. Mayor Petersen observed that Manager Martin has worked very hard to move these lots. Manager Martin stated that it was a team effort. He then recommended that the previously planned July 6 workshop be re-scheduled to a date undetermined at this time to hopefully act on additional contracts for the remaining lots. He stated that he would work with each Commissioner on a schedule for that in the next few weeks.

Comments from the City Commission – Vice Mayor Thompson stated that we had a special meeting to discuss our options regarding police cars and asked if Manager Martin had any recommendations. Manager Martin stated that the department definitely needs some new vehicles this year; as discussed at the workshop. Staff is assessing the options of leasing and/or buying replacements. He stated he plans to make some recommendations to the Commission regarding our options but there is more work to do during the budget process. Vice Mayor Thompson asked if any of the money left over from the CARES Act reimbursement could be used for that purpose. Manager Martin said staff will be looking at all the options for funding and that may be one of them.

Commissioner Pittman stated that in reference to Ms. Lina Thompson's comments earlier this meeting, he thinks the Commission at the last meeting, said that Interim Chief Lewis might be able to look into and give an explanation on the child pornography matter. Manager Martin suggested that be an item for a separate agenda.

Commissioner Gardner stated that because we have been talking a lot about what we heard on the campaign trail, she wants to make two points. She stated that some of the targeted efforts that she has seen since November with specific departments have left her concerned because she did hear a lot of stuff on the campaign trail. She noted that she has never brought up a fellow commissioner's personal affairs from the dais but feels it is important to bring up the two things that she heard on the campaign trail and look to Attorney Brandenburg for guidance. She stated that it was mentioned to her several times as a concern of a Clewiston City Commissioner or person elected to serve on the City Commission doing business with the City in an official capacity or working in the City where City staff had to

review the work that was being done. She asked for guidance from Attorney Brandenburg because the perception is that if there is a conflict of interest in how something is being handled by City staff, because it is a City Commissioner, they will not do what needs to be done. She noted that she is not casting blame; she is saying there is a perception that there is a conflict of interest that because it is a City Commissioner, they will get preferential treatment. She mentioned that she had a conversation with Commissioner Pittman and he told her that he would not be doing business with the City as he had in the past and not now because he was concerned as well. She explained that she wanted to bring it up because there is that perception of preferential treatment for a City Commissioner especially when they volunteer to do work on behalf of the City whether it is fire calls or attending department meetings. She asked Attorney Brandenburg to give City staff guidance to make sure that there is not a perception of preferential treatment and if there is a conflict of interest, how staff should address it. She then stated that she wanted to publicly expose a conversation she had with Commissioner Pittman before the election because she feels it is important after what she has seen happen since November. In that conversation, she stated that Commissioner Pittman confirmed to her that he and his wife have purchased land on the west side of the county and would be building a home at that location in the near future. She stated her concern is with the motives that may be behind Commissioner Pittman's decisions or recommendations specifically about law enforcement as he would not live with the consequences of those decisions and recommendations. She feels some of the consequences would be detrimental to the City. She stated that she wanted to publicly disclose that conversation to the community because she is going to question all the intentions in the future based on the fact of what ramifications there might be. Mayor Petersen stated that you would have to look at her too because you do not know what life is going to bring or where people are going to go. Commissioner Gardner stated that she wanted to disclose that conversation because Commissioner Pittman's decision had already been made; it is not something that might be impacted in the future. Vice Mayor Thompson asked Attorney Brandenburg if Commissioners are allowed to direct him to do their bidding or would that need a motion. Attorney Brandenburg responded that generally when questions are brought up that have legal implications, he looks into them unless it is a disputed issue and the Commission wanted to actually vote on directing him to do it or not. He stated that he will look into this matter and report back to the Commission on items that he thinks are appropriate unless the Commission tells him otherwise.

Ms. Janet Taylor came forward and was recognized by Mayor Petersen. She was late arriving to the meeting but wanted to express appreciation to the City Commission, Mayor Petersen and her Public Safety Academy students and City staff for their support and help in making this year's Juneteenth event the best. She also thanked Sheriff Whidden, Matt Beatty and Clewiston Interim Police Chief Tom Lewis on behalf of the Juneteenth Committee and the Harlem Tenants Association for their help. She stated that she is grateful that Juneteenth is now a federal holiday and noted that two scholarships in the amount of \$15,000 each were given this year.

Adjournment

Commissioner Hyslope made a motion, seconded by Commissioner Gardner, to adjourn the meeting at 6:23 p.m. The motion was unanimously approved.

Kristine Petersen, Mayor

Mary K. Combass, City Clerk